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DATE FILED: 7-28-08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STÉPHANIE ALEXIS MELENDEZ and ERIC
CRUZ,

Plaintiffs,

-against-

THE CITY OF NEW YORK, KEVIN MCGEOUGH,
SMITH, and JOHN DOES #1-5,

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07 Civ. 6511 (HB)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about July 19, 2007, alleging that defendants City of New York and Police Officers Kevin McGeough and Smith violated plaintiffs' federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, plaintiffs and defendants now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as against defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiffs the sum of Eighty Five Thousand (\$85,000.00) Dollars (distributed as follows: \$65,000.00 to plaintiff Stephanie Alexis Melendez and \$20,000.00 to plaintiff Eric Cruz) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiffs agree to dismissal of all the claims against defendants and to release defendants, any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged by plaintiffs arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by plaintiffs and defendants hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the

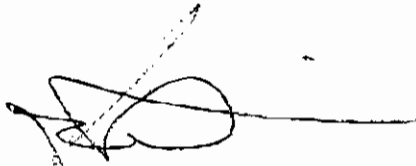
subject matter of the instant proceeding shall be deemed to exist, or to bind plaintiffs and defendants hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

July 28, 2008

SCOTT G. CERBIN, ESQ.
Attorney for Plaintiffs
26 Court Street, Suite 810
Brooklyn, New York 11242

By:


SCOTT G. CERBIN (SC 5508)
Attorney for Plaintiffs

MICHAEL A. CARDOZO, ESQ.
Corporation Counsel of the
City of New York
Attorney for defendants
100 Church Street
New York, New York 10007
(212) 788-0906

By:


SHAWN FABIAN (SF4606)
Assistant Corporation Counsel

The Clerk of the Court is
SO ORDERED:

instructed to close this
matter.


U.S.D.J.